

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AIRWAIR INTERNATIONAL LTD.,

Plaintiff,

v.

PULL & BEAR ESPANA SA, et al.,

Defendants.

Case No. [19-cv-07641-SI](#)

**ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION FOR
ORDER AUTHORIZING WITNESSES
RESIDING OUTSIDE THE UNITED
STATES TO APPEAR BY
VIDEOCONFERENCE AT TRIAL**

Re: Dkt. No. 104

On June 11, 2021, plaintiff Airwair International LTD. filed an administrative motion for an order authorizing witnesses residing outside the United States to appear by videoconference at trial. Dkt. No. 104. On June 15, 2021, defendant ITX USA, LLC. filed an opposition. Dkt. No. 106.

Plaintiff requests an order permitting witnesses Damien Wilson and Roger Shelton, currently in the United Kingdom, to testify by video conference. Dkt. No. 104 at 4. Plaintiff argues there is good cause to allow the witnesses to testify by videoconference given increased risk from travel during the COVID-19 pandemic. *Id.* at 4-5. Defendant argues defendant previously suggested a virtual bench trial, which plaintiff refused, but agrees that there may be good cause for witnesses out of the country and out of the state of California to appear by video Dkt. No. 106 at 2-3.

Circumstances have changed considerably – for the better – since the parties filed their arguments. Widespread availability of vaccines, at least in this county, Great Britain and much of Europe, has provided far greater flexibility in travel, and this Court has again begun to provide in-person jury trials regularly. On June 23, 2021, the Northern District of California issued General Order 78, permitting in-person jury trials in accordance with logistical considerations necessitated by the Court's safety protocol. Gen. Order. 78, *In RE: Update on Court Proceedings and Operations Following State of California Reopening* (June 23, 2021). The Court has proper safety protocols to address the parties' concerns, and finds that the jury would benefit greatly by having

1 the ability to hear and assess the parties' important witnesses.

2 Accordingly, plaintiff's administrative motion for an order authorizing witnesses residing
3 outside the United States to appear by videoconference at trial is **DENIED**.

4
5 **IT IS SO ORDERED.**

6 Dated: July 20, 2021



SUSAN ILLSTON
United States District Judge